IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

Case No. 1:17-cv-00256-MR

SHIRLEY TETER)	
Plaintiff,)	
V.)	PROPOSED VERDICT SHEETS
PROJECT VERITAS ACTION FUND, PROJECT VERITAS, and JAMES E. O'KEEFE, III)))	
Defendants.)	

Come now the parties and submit these proposed verdict sheets to the Court. There are two primary legal issues to be resolved by the Court. The first issue is whether the alleged defamation is per se or per quod. The second issue is whether Ms. Teter was a private figure or a public figure at the time of the alleged defamation. Accordingly, the parties have prepared verdict sheets for each of the four possible scenarios – libel per se involving a private figure over a matter of public concern, libel per se involving a public figure; libel per quod involving a private figure over a matter of public concern, and libel per quod involving a public figure.

If the Court determines that the jury should be instructed (1) on libel per se and (2) that Ms. Teter is a private figure then the parties respectfully request that the Court use the following verdict sheet:

VERDICT SHEET Libel Per Se Private Figure – Matter of Public Concern

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l .	With respect to Defendant Project Veritas Action Fund, did the
	defendant libel the plaintiff?
	Yes No
	With respect to Defendant Project Veritas, did the defendant libel the
	plaintiff?
	Yes No
	With respect to Defendant James E. O'Keefe III, did the defendant libel
	the plaintiff?
	Yes No
	If you answered "yes" to Question 1 for one or more of the defendants,
	you should proceed to Question 2. If you answered "no" to Question 1
	for all of the defendants, you should not answer Questions 2 or 3.
	Answer this question only if you answered yes to Question 1 for one or more
	of the defendants.

2.

With respect to Defendant Project Veritas Action Fund, and only if you
answered "yes" to Question 1 for Defendant Project Veritas Action
Fund, did the defendant publish the libelous statement or statements with
actual malice?
Yes No
With respect to Defendant Project Veritas, and only if you answered
"yes" to Question 1 for Defendant Project Veritas, did the defendant
publish the libelous statement or statements with actual malice?
Yes No
With respect to Defendant Defendant James E. O'Keefe III, and only if
you answered "yes" to Question 1 for Defendant James E. O'Keefe III,
did the defendant publish the libelous statement or statements with actual
malice?
Yes No
If you answered "yes" to Question 2 for one or more of the defendants,
you should proceed to Question 3 and then to Question 4. If you
answered "no" to Question 2 for all of the defendants, you should not
answer Question 3 or Question 4.

3. Answer this question only if you answered yes to Question 2 for one or more of the defendants, what amount of presumed damages is the plaintiff entitled to recover?

4. Answer Question 4 only if you answered yes to Question 2 for one or more of the defendants. (This will be a punitive damages question. The parties disagree about whether punitive damages are awarded jointly and severally. The parties are continuing to research the issue and hope to be able to reach agreement. At this point, however, the parties are unable to agree on how the punitive damages question should be worded.)

If the Court determines that the jury should be instructed (1) on libel per se and (2) that Ms. Teter is a public figure, then the parties respectfully request that the Court use the following verdict sheet:

VERDICT SHEET Libel Per Se Public Figure

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l.	With respect to Defendant Project Veritas Action Fund, did the
	defendant libel the plaintiff?
	Yes No
	With respect to Defendant Project Veritas, did the defendant libel the
	plaintiff?
	Yes No
	With respect to Defendant James E. O'Keefe III, did the defendant libe
	the plaintiff?
	Yes No
	If you answered "yes" to Question 1 for one or more of the defendants
	you should proceed to Question 2. If you answered "no" to Question 1
	for all of the defendants, you should not answer Questions 2, 3, or 4.
2.	Answer this question only if you answered yes to Question 1 for one or more
	of the defendants.

With respect to Defendant Project Veritas Action Fund, and only if you
answered "yes" to Question 1 for Defendant Project Veritas Action
Fund, did the defendant publish the libelous statement or statements with
actual malice?
Yes No
With respect to Defendant Project Veritas, and only if you answered
"yes" to Question 1 for Defendant Project Veritas, did the defendant
publish the libelous statement or statements with actual malice?
Yes No
With respect to Defendant Defendant James E. O'Keefe III, and only if
you answered "yes" to Question 1 for Defendant James E. O'Keefe III,
did the defendant publish the libelous statement or statements with actual
malice?
Yes No
If you answered "yes" to Question 2 for one or more of the defendants,
you should proceed to Question 3 and then to Question 4. If you
answered "no" to Question 2 for all of the defendants, you should not
answer Question 3 or Question 4.

3. Answer this question only if you answered yes to Question 2 for one or more of the defendants, what amount of presumed damages is the plaintiff entitled to recover?

4. Answer Question 4 only if you answered yes to Question 2 for one or more of the defendants. (This will be a punitive damages question. The parties disagree about whether punitive damages are awarded jointly and severally. The parties are continuing to research the issue and hope to be able to reach agreement. At this point, however, the parties are unable to agree on how the punitive damages question should be worded.)

If the Court determines that the jury should be instructed (1) on libel per quod and (2) that Ms. Teter is a private figure then the parties respectfully request that the Court use the following verdict sheet:

VERDICT SHEET Libel Per Quod Private Figure – Matter of Public Concern

With respect to Defendant Prodefendant libel the plaintiff?	oject Veritas Action Fund, did the
Yes	No
With respect to Defendant Project	Veritas, did the defendant libel the
plaintiff?	
Yes	No
With respect to Defendant James E	E. O'Keefe III, did the defendant libel
the plaintiff?	
Yes	No
If you answered "yes" to Question	n 1 for one or more of the defendants,
you should proceed to Question 2	. If you answered "no" to Question 1
for all of the defendants, you shou	ald not answer Questions 2, 3, or 4.
Answer Question 2 only if you answ	wered yes to Question 1 for one or more
of the defendants. What amount of	actual damages is the plaintiff entitled to
recover?	

If you entered an amount greater than zero (\$0) in response to Question 2, you should proceed to Question 3. If you answered "none" to Question 2, you should not answer Questions 3 or 4. Answer Question 3 only if you entered an amount greater than zero (\$0) in response to Question 2. With respect to Defendant Project Veritas Action Fund, and only if you answered "yes" to Question 1 for Defendant Project Veritas Action Fund, did the defendant publish the libelous statement or statements with actual malice? _____ Yes With respect to Defendant Project Veritas, and only if you answered "yes" to Question 1 for Defendant Project Veritas, did the defendant publish the libelous statement or statements with actual malice?

3.

_____ Yes _____ No

With respect to Defendant Defendant James E. O'Keefe III, and only if you answered "yes" to Question 1 for Defendant James E. O'Keefe III, did the defendant publish the libelous statement or statements with actual malice?

_____ Yes _____ No

If you answered "yes" to Question 3 for one or more of the defendants, you should proceed to Question 4. If you answered "no" to Question 3 for all of the defendants, you should not answer Question 4.

4. Answer Question 4 only if you answered yes to Question 3 for one or more of the defendants. (This will be a punitive damages question. The parties disagree about whether punitive damages are awarded jointly and severally. The parties are continuing to research the issue and hope to be able to reach agreement. At this point, however, the parties are unable to agree on how the punitive damages question should be worded.)

If the Court determines that the jury should be instructed (1) on libel per quod and (2) that Ms. Teter is a public figure, then the parties respectfully request that the Court use the following verdict sheet:

VERDICT SHEET Libel Per Quod Public Figure

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With respect to Defendant Project Veritas Action Fund, and only if you
answered "yes" to Question 1 for Defendant Project Veritas Action
Fund, did the defendant publish the libelous statement or statements with
actual malice?
Yes No
With respect to Defendant Project Veritas, and only if you answered
"yes" to Question 1 for Defendant Project Veritas, did the defendant
publish the libelous statement or statements with actual malice?
Yes No
With respect to Defendant Defendant James E. O'Keefe III, and only if
you answered "yes" to Question 1 for Defendant James E. O'Keefe III
did the defendant publish the libelous statement or statements with actual
malice?
Yes No
If you answered "yes" to Question 2 for one or more of the defendants
you should proceed to Question 3. If you answered "no" to Question 2
for all of the defendants, you should not answer Question 3 or Question
4.

3. Answer Question 3 only if you answered yes to Question 2 for one or more of the defendants. What amount of actual damages is the plaintiff entitled to recover?

If you entered an amount greater than zero (\$0) in response to Question 3, you should proceed to Question 4. If you answered "zero" to Question 3 you should not answer Questions 4.

4. Answer Question 4 only if you entered an amount greater than zero (\$0) in response to Question 3 for one or more of the defendants. (This will be a punitive damages question. The parties disagree about whether punitive damages are awarded jointly and severally. The parties are continuing to research the issue and hope to be able to reach agreement. At this point, however, the parties are unable to agree on how the punitive damages question should be worded.)

This the 2nd day of May, 2019.

Respectfully submitted,

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